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PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)  <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	22436-708
	First Named Inventor	Goldszmidt
	COMPLETE IF KNOWN	
	Application Number	09/615,677
	Filing Date	07/14/2000
	Group Art Unit	Not assigned
Examiner Name	Not assigned	

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND APPARATUS TO CONTROL DELIVERY OF A HOST INFORMATION SYSTEMS SERVICE LEVELS AND RESPONSE TIMES**

(Title of the Invention)

the specification of which

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY)

07/14/2000

as United States Application Number or PCT International

Application Number 09/615,677 and was amended on (MM/DD/YYYY) N/A (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

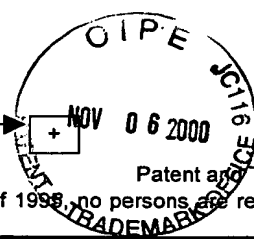
I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/615,892	07/14/2000	
09/615,886	07/14/2000	
09/615,678	07/14/2000	
09/615,887	07/14/2000	
09/616,384	07/14/2000	
09/615,962	07/14/2000	
09/616,096	07/14/2000	
09/616,488	07/14/2000	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 021971

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar  
Code Label here

Name	Registration Number	Name	Registration Number

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number or Bar Code Label 021971 OR ☒ Correspondence address below

Name	Paul Davis						
Address	Wilson Sonsini Goodrich & Rosati						
Address	650 Page Mill Road						
City	Palo Alto	State	CA	ZIP	94304		
Country	U.S.	Telephone	650-493-9300		Fax	650-493-6811	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

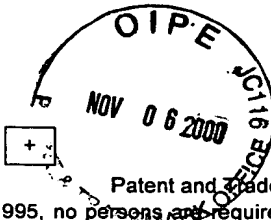
Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))				Family Name or Surname			
Moises				GOLDSZMIDT			
Inventor's Signature						Date	08/08/00
Residence: City	Foster City	State	CA	Country	US	Citizenship	US
Post Office Address	826 Magellan Lane						
Post Office Address							
City	Foster City	State	CA	ZIP	94404	Country	US

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

(Page 2 of 2)

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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> <b>Supplemental Sheet</b> Page <u>1</u> of <u>1</u>
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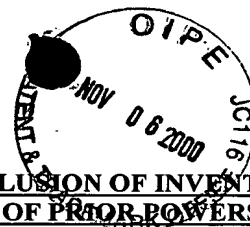
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname					
Bikash				SABATA					
Inventor's Signature		<i>Bikash Sabata</i>			Date		8/8/2000		
Residence: City		Menlo Park		State		CA		Country	
						US		Citizenship	
								IN	
Post Office Address		1016 Middle Avenue, #4							
Post Office Address									
City		Menlo Park		State		CA		ZIP	
						94025		Country	
								US	
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname					
Derek				PALMA					
Inventor's Signature		<i>Derek</i>			Date		8/8/00		
City		Union City		State		CA		Country	
						US		Citizenship	
								US	
Post Office Address		32536 Monterey Drive							
Post Office Address									
City		Union City		State		CA		ZIP	
						94587		Country	
								US	
<b>Name of Additional Joint Inventor, if any:</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname					
Amitava				RAHA					
Inventor's Signature		<i>Amitava</i>			Date		8/8/2000		
City		San Jose		State		CA		Country	
						95130		Citizenship	
								IN	
Post Office Address		4716 McCoy Avenue							
Post Office Address									
City		San Jose		State		CA		ZIP	
						95130		Country	
								US	

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<b>STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR. 1.9(f) &amp; 1.27(c)) – SMALL BUSINESS CONCERN</b>		Docket Number (Optional) 22436-708
Applicant, Patentee, or Identifier:	Goldszmidt	
Application or Patent No.:	09/615,677	
Filed or Issued:	07/14/2000	
Title:	METHODS AND APPARATUS TO CONTROL DELIVERY OF A HOST INFORMATION SYSTEMS SERVICE LEVELS AND RESPONSE TIMES	
I hereby state that I am <input type="checkbox"/> the owner of the small business concern identified below <input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below		
NAME OF SMALL BUSINESS CONCERN	Peakstone Corporation	
ADDRESS OF SMALL BUSINESS CONCERN	155A Moffett Park Drive, Suite 210, Sunnyvale, CA 94089	
<p>I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p> <p><input type="checkbox"/> the specification filed herewith with title as listed above  <input checked="" type="checkbox"/> the application identified above  <input type="checkbox"/> the patent identified above</p> <p>If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p> <p>Each person, concern, or organization having any rights in the invention is listed below:</p> <p><input checked="" type="checkbox"/> no such person, concern, or organization exists  <input type="checkbox"/> each such person, concern, or organization is listed below.</p>		
NAME OF SMALL BUSINESS CONCERN		
ADDRESS OF SMALL BUSINESS CONCERN		
<p>Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities (37 CFR 1.27).</p> <p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).</p>		
NAME OF PERSON SIGNING	TM RAVI	
TITLE OF PERSON IF OTHER THAN OWNER	President / CEO	
ADDRESS OF PERSON SIGNING	155A Moffett Park Drive, Suite 210, Sunnyvale, CA 94089	
SIGNATURE	DATE 8/8/00	

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**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR  
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. \_\_\_\_\_  
☒ U.S. application no. 09/615,677, filed on 07/14/2000

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

Attorney Name	Reg. No.	Attorney Name	Reg. No.
Paul Davis	29,294	David J. Weitz	38,362
David J. Abraham	39,554	U.P. Peter Eng	39,666
George A. Willman	41,378	Barbara J. Courtney	42,442
Jinntung Su	42,174	Van Mahamedi	42,828
Richard L. Gregory	42,607	Shirley Chen	44,608
Stephen Warhola	43,237	Shaliesh Mehra	44,934
John Gilmore	46,375	Jonathan T. Manson	44,934
John J. Bruckner	35,816		

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

*(complete one of the following)*

- ☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on \_\_\_\_ at reel \_\_\_\_, frames \_\_\_\_-\_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

Name	Paul Davis				
Address	Wilson Sonsini Goodrich and Rosati				
Address	650 Page Mill Road				
City	Palo Alto	State	CA	Zip	94304
Country	USA	Telephone	(650) 493-9300	Fax	(650) 493-6811

ASSIGNEE: PEAKSTONE CORPORATION

Name: INTRO

Date: 8/8/00